



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NORTHEAST REGIONAL OFFICE

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CERTIFIED MAIL

November 1, 2006

Richard A. Nylen, Esq.  
Lynch DeSimone & Nylen, LLP  
12 Post Office Square  
Boston, Massachusetts 02109

Re: NEWBURYPORT - Solid Wastes/COR  
Crow Lane Landfill  
Placement of C & D – Phase I & II Areas  
Approval  
FMF No. 39545

Dear Attorney Nylen:

Based on submissions by New Ventures Associates LLC (New Ventures) to the Office of the Attorney General and the Massachusetts Department of Environmental Protection, Northeast Regional Office, Bureau of Waste Prevention, Solid Waste Management Section ("MassDEP") between October 23, 2006 and October 31, 2006 MassDEP determined that New Ventures complied with the provisions of paragraph 3 of the preliminary injunction entered in Suffolk Superior Court, Civil Action No. 06-0790 C, on October 20, 2006 (the "Order") for the Crow Lane Landfill in Newburyport, Massachusetts. Therefore, New Ventures may resume the placement of the Construction and Demolition Fines and Residuals at the Crow Lane Landfill in Newburyport, Massachusetts in accordance with paragraph 3 of the preliminary injunction. Paragraph 3 limits the placement of the C&D Fines and Residuals to within the Phase I and II areas of the landfill, as identified on Exhibit 2 to the preliminary injunction.

Although New Ventures had complied with the tarp placement requirements of paragraph 1 (j) of the Order, extreme weather conditions on October 28 and 29, 2006 disturbed tarp placement. The Department and the Office of the Attorney General have reviewed New Ventures' request that the deadline for a return to compliance with the tarp placement requirements of paragraph 1 (j) of the Order be subject to the Force

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service 1-978-694-3492.

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Majeure provisions of paragraphs 16 through 18 of the Order. The Department and the Office of the Attorney General have determined that the extreme weather conditions on October 28 and 29, 2006 were Force Majeure events and have extended the deadline for New Ventures to return to compliance with the requirements of paragraph 1 (j).

If you have any questions please contact me at (978) 694-3299.

Sincerely,

**This final document copy is being provided to you electronically by the  
Massachusetts Department of Environmental Protection.  
A signed copy of this document  
is on file at the DEP office listed on the letterhead.**

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John A. Carrigan, Chief  
Solid Waste Management Section

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